

1 BILL NO. G-85-03- 34

2 GENERAL ORDINANCE NO. G- 86-85

3 AN ORDINANCE of the Common Council
4 of the City of Fort Wayne, Indiana,
5 establishing the Fort Wayne Airport
6 Authority pursuant to I.C. 8-22-3-1,
7 et seq.

8 WHEREAS, the City's airport operations are presently
9 managed and governed by a Board of Airport Commissioners as
10 created by State law;

11 WHEREAS, the City of Fort Wayne, Indiana, through an
12 ordinance of its fiscal body may establish, at any time, an
13 Airport Authority pursuant to I.C. 8-22-3-1;

14 WHEREAS, provisions of I.C. 8-22-3-1, et seq. provide
15 for the maintenance, operation and ownership of airport activities
16 and airport properties by an Airport Authority and such an
17 Authority is designated a special taxing district with specific
18 and additional taxing powers;

19 WHEREAS, I.C. 8-22-3-1, et seq, as written and as
20 in full force and effect, allows for the public to remonstrate
21 against the establishment of an Authority so that the actual
22 question of the establishment of an Authority may be submitted
23 to the voters of the City and thus the final determination
24 as to the establishment of an Authority rests with the citizens
25 of this community;

26 WHEREAS, it is desirable to establish the Fort Wayne
27 Airport Authority and to allow such Authority to have all of those
28 powers, duties, functions and responsibilities, as provided in
29 I.C. 8-22-3-1, et seq.;

30 WHEREAS, it is further desirous to allow the voters
31 of this community to finally decide as to whether or not an
32 Airport Authority should be created pursuant to I.C. 8-22-3-2(a).

33 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
34 THE CITY OF FORT WAYNE, INDIANA:

1 Page Two

2 SECTION 1. Pursuant to I.C. 8-22-3-1 there is hereby
3 established the Fort Wayne Airport Authority. This Authority
4 shall have jurisdiction over a district with boundaries coter-
5 minous with the jurisdictional boundaries of the City of Fort
6 Wayne.

7 SECTION 2. The Fort Wayne Airport Authority shall
8 have all of those powers, responsibilities, privileges and duties
9 as provided in I.C. 8-22-3-1, et seq. and all provisions of I.C.
10 8-22-3-1, et seq. shall be followed including but not limited to
11 the appointment of board members as provided at I.C. 8-22-3-4(a);
12 I.C. 8-22-3-6(a); and I.C. 8-22-3-9.

13 It is noted that the Fort Wayne Airport Authority is
14 hereby established as provided in the language of I.C. 8-22-3-1.
15 However, the City shall, pursuant to I.C. 8-22-3-2 receive a
16 certification from the Clerk of the Allen Circuit Court as to the
17 fact that a remonstrance has not been filed as required by law
18 or the question of a final establishment of an Airport Authority
19 shall be submitted to the voters of the City, all as provided by
20 law for the protection of and input from the citizens of this
21 community.

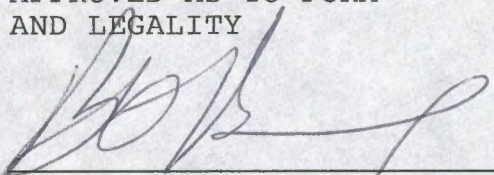
22 SECTION 3. The terms and provisions of this ordinance
23 shall be deemed to be severable and, if for any reason, any term,
24 condition or paragraph of this ordinance shall be deemed to be
25 unenforceable or contrary to law, then this ordinance shall be
26 construed without such term, provision or paragraph.

27 SECTION 4. That this Ordinance shall become effective
28 upon passage and approval by the Mayor. In addition, and due to
29 the fact that the Mayor has proclaimed that there is an urgent
30 necessity requiring immediate effectiveness of this Ordinance,
31 copies of this Ordinance are to be deposited in three (3) public
32 places in each of the districts from which members are elected
by the legislative body.

Page Three


Councilmember

APPROVED AS TO FORM
AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Talarico, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on Thursday, the 14th day of March, 1985, at 6:00 o'clock PM, E.S

DATE: 3-14-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Sam Talarico, seconded by Sam Henry, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>2</u>		<u>1</u>	
<u>BRADBURY</u>	<u>✓</u>				
<u>BURNS</u>		<u>✓</u>			
<u>EISBART</u>	<u>✓</u>				
<u>GiaQUINTA</u>	<u>✓</u>				
<u>HENRY</u>	<u>✓</u>				
<u>REDD</u>	<u>✓</u>				
<u>SCHMIDT</u>		<u>✓</u>			
<u>STIER</u>				<u>✓</u>	
<u>TALARICO</u>	<u>✓</u>				

DATE: 3-14-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) 0-06-85 (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO on the 14th day of March, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of March, 1985, at the hour of 9:30 AM o'clock AM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of March, 1985, at the hour of 9:40 o'clock AM, E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BILL NO. G-85-03-34

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) of the Common Council of
the City of Fort Wayne, Indiana, establishing the Fort Wayne
Airport Authority pursuant to I. C. 8-22-3-1, et seq

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~) DO PASS DO NOT PASS WITHDRAWN ~~DEFERRED~~

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

SAMUEL J. TALARICO

THOMAS C. HENRY

JAMES S. STIER

CONCURRED IN 3-14-85

SANDRA E. KENNEDY
CITY CLERK

CREATION OF THE FORT WAYNE AIRPORT AUTHORITY

BILL NO. G-85-03-34

GENERAL ORDINANCE NO. G-06-85

AN ORDINANCE of the Common Council
of the City of Fort Wayne, Indiana,
establishing the Fort Wayne Airport
Authority pursuant to I.C.
8-22-3-1, et seq

*Creation of
Commission*

WHEREAS, the City's airport operations are presently managed and governed by a Board of Airport Commissioners as created by State law;

WHEREAS, the City of Fort Wayne, Indiana, through an ordinance of its fiscal body may establish, at any time, an Airport Authority pursuant to I.C. 8-22-3-1;

WHEREAS, provisions of I.C. 8-2-2-3-1, et seq. provide for the maintenance, operation and ownership of airport activities and airport properties by an Airport Authority and such an Authority is designated a special taxing district with specific and additional taxing powers;

WHEREAS, I.C. 8-22-3-1, et seq. as written and as in full force and effect, allows for the public to remonstrate against the establishment of an Authority so that the actual question of the establishment of an Authority may be submitted to the voters of the City and thus the final determination as to the establishment of an Authority rests with the citizens of this community;

WHEREAS, it is desirable to establish the Fort Wayne Airport Authority and to allow such Authority to have all of those powers, duties, functions and responsibilities, as provided in I.C. 8-22-3-1, et seq.;

WHEREAS, it is further desirous to allow the voters of this community to finally decide as to whether or not an Airport Authority should be created pursuant to I.C. 8-22-3-2(a).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Pursuant to I.C. 8-22-3-1 there is hereby established the Fort Wayne Airport Authority. This Authority shall have jurisdiction over a district with boundaries coterminous with the jurisdictional boundaries of the City of Fort Wayne.

SECTION 2. The Fort Wayne Airport Authority shall have

all of those powers, responsibilities, privileges and duties as provided in I.C. 8-22-3-1, et seq. and all provisions of I.C. 8-22-3-1, et seq. shall be followed including but not limited to the appointment of board members as provided at I.C. 8-22-3-4(a); I.C. 8-22-3-6(a); and I.C. 8-22-3-9.

It is noted that the Fort Wayne Airport Authority is hereby established as provided in the language of I.C. 8-22-3-1. However, the City shall, pursuant to I.C. 8-22-3-2 receive a certification from the Clerk of the Allen Circuit Court as to the fact that a remonstrance has not been filed as required by law or the question of a final establishment of an Airport Authority shall be submitted to the voters of the City, all as provided by law for the protection of and input from the citizens of this community.

SECTION 3. The terms and provisions of this ordinance shall be deemed to be severable and, if for any reason, any term, condition or paragraph of this ordinance shall be deemed to be unenforceable or contrary to law, then this ordinance shall be construed without such term, provision or paragraph.

SECTION 4. That this Ordinance shall become effective upon passage and approval by the Mayor. In addition, and due to the fact that the Mayor has proclaimed that there is an urgent necessity requiring immediate effectiveness of this Ordinance, copies of this Ordinance are to be deposited in three (3) public places in each of the districts from which members are elected by the legislative body.